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Department of Public Safety

Board of Building Regulations and Standards

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Chairman

Gary Moccla, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: October 26, 2009

Name of Appellant: Campanelli Companies

Service Address: Ralph Perellis
Campanelli Companies
One Campanelli Drive
Braintree, MA. 02184

In reference to: Campanelli Drive
Westfield, MA. 01085

Docket Number: 09-777 & 09-778

Property Address: Campanelli Drive
Westfield, MA. 01085

Date of Hearing: 08-25-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry
Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-777 / 09- 778

Appellant(s): Campanelli Companies
represented by Ralph Perelis,

vs.

Appellee(s): Town of Westfield
Donald York

Procedural History

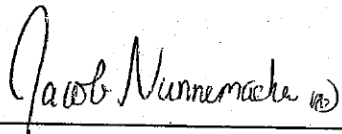
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance to 7th edition 780 CMR 910.3, and 903.3.3, for the property at Campanelli Drive, Westfield, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 25, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. A number of individuals appeared for this hearing as recorded on the sign in sheet on file at the Department of Public Safety.

Discussion

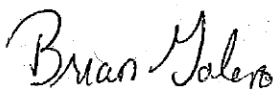
Based on the testimony and exhibits that were presented, a motion was made to grant the Appellant's request for variances to 7th edition 780 CMR 910.3, and 903.3.3. A motion was made to grant a variance of 903.3.3 for the HVLS fans based on the fact that the city is not in opposition and the 3rd party has reviewed it as well and has no issues. In addition, a motion was made to grant a variance to 910.3 based on the fact that both the Building Commissioner and the Fire Department have no opposition with the variance. This motion is contingent upon Home Depot providing manual controls at the Westfield Facility at a specific location determined by the Building Commissioner. There were seconds on the motions and board votes were taken, which were unanimous.

Conclusion

The Appellant's request for variances to 7th edition 780 CMR 910.3, and 903.3.3, is hereby **granted** as described in the discussion above and so ordered² on this date: August 25, 2009.



Jacob Nunnemacher



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.